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46797 7590 12/23/2010 IBM CORPORATION, INTELLECTUAL PROPERTY LAW DEPT 917, BLDG. 006-1 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829			EXAMINER BETIT, JACOB F	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD D. DETTINGER, DAN P. KOLZ,
RICHARD J. STEVENS, and SHANNON E. WENZEL

Appeal 2009-005674
Application 10/821,149
Technology Center 2100

Before JOSEPH L. DIXON, JAY P. LUCAS, and DEBRA K. STEPHENS,
Administrative Patent Judges.

STEPHENS, *Administrative Patent Judge.*

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

Appellants appeal under 35 U.S.C. § 134(a) (2002) from a final rejection of claims 1-7, 12-16, and 22-26. Claims 8-11 and 17-21 have been canceled (App. Br. 5). We have jurisdiction under 35 U.S.C. § 6(b) (2010).

We REVERSE.

Introduction

According to Appellants, the invention is a system and method for “managing parameterized queries and making them available to users based on associations between parameterized queries and fields referenced by the results set” (Spec. 4, [0011]).

STATEMENT OF CASE

Exemplary Claim(s)

Claim 1 is an exemplary claim and is reproduced below:

1. A search system for gathering detailed information about objects of interest, comprising:

an interface for presenting, to a user, a results set received in response to issuing an original executable query, wherein the results set contains a field with one or more values representing objects of interest;

a set of parameterized queries, each having one or more conditions containing at least one parameter marker for which a value may be substituted to generate an executable query;

a set of parameterized query associations, each specifying one or more fields involved in conditions having parameter markers contained in a corresponding parameterized query in the set of parameterized queries; and

an executable component configured to identify one or more of the parameterized queries only if each field, specified as required in one or more parameterized query associations corresponding to the identified parameterized queries, are contained in the result set.

Prior Art

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Yuknewicz	US 2005/0171934 A1	Aug. 4, 2005 (filed Jan. 30, 2004)
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REJECTIONS

Claims 1-7, 12-16, and 22-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Yuknewicz (Ans. 3-9).

GROUPING OF CLAIMS

Appellants argue all the independent claims, claims 1, 7, 12, 16, and 22, collectively as a group on the basis of arguments set forth for claim 1 (App. Br. 12-14, Reply Br. 2-6). None of the dependent claims were argued separately. The Examiner addresses independent claims 1 and 22 as a group and independent claims 7, 12, and 16 as a group finding that although Appellants argue the claims collectively on the basis of claim 1, the claims though similar, are not so commensurately recited that a separate discussion is not required. We will consider the rejections as grouped by the Examiner. We will, therefore, treat claims 2-6 and 22-26 as standing or falling with representative claim 1 and claims 12-16 as standing or falling with claim 12. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE 1

35 U.S.C. § 102(e): claims 1-6 and 22-26

Appellants argue their invention is not anticipated by Yuknewicz because Yuknewicz does not disclose identifying one or more of the parameterized queries only if each field, specified as required in one or more parameterized query associations corresponding to the identified parameterized queries, are contained in the result set (App. Br. 13). Specifically, Appellants argue the Examiner's mapping is flawed as the Examiner is using single elements of Yuknewicz to represent multiple claim elements (App. Br. 13 and Reply Br. 3-5).

In response, the Examiner maintains that as the claim components are not required to be in any particular order, the result set is the result of the original executable query which is a parameterized query that has been executed (Ans. 11). The Examiner finds that the user is presented with an interface after the parameterized query has been executed (*id.*). The Examiner then finds that the query selected by the user to be executed (Ans. 11 and 12). The results must contain the field and value specified in the query (Ans. 12).

Issue 1: Has the Examiner erred in finding Yuknewicz discloses the invention as recited in claim 1?

FINDINGS OF FACT (FF)

Yuknewicz

(1) The system and method relate to the field of generating a parameterized query to retrieve selected data from a data source.

A user may select a dataset and choose whether to select an existing parameterized query or to define a new parameterized query to execute upon the selected dataset. If the user chooses to select an existing parameterized query, then a set of existing parameterized queries corresponding to the dataset may be identified and displayed to the user. If the user chooses to define a new parameterized query, then the new parameterized query may easily be merged into the set of existing parameterized queries corresponding to the dataset. In response to the generation of a parameterized query, input fields may be readily provided that enable the user to set the value of query parameters.

(Abstract and pg. 1, [0002] Field of the Invention).

(2) A user is presented with an interface that allows the selection of the parameterized query task. Once the user selects the parameterized query task, a parameterized query dialog box 500 which includes a select dataset drop down menu 510, is presented to the user for selection of a dataset in which the parameterized query is to be executed. (Pg. 4, [0048] and Fig. 5).

(3) The dialog box 500 may also, for example, include radio buttons 522 and 532, which enable the user to choose whether to define a new parameterized query or to select an existing parameterized query corresponding to the database the user has selected (Customers dataset 222a). If the user picks an existing parameterized query by pressing existing query radio button 532, an existing parameterized query drop down menu 530 is activated. The user may then select an existing query to use on the selected dataset. (Pg. 4, [0049] and Figs. 4 and 5).

(4) The dialog box 500 also includes parameterized query input field 550. When the existing query radio button is selected and an existing query is selected from the set, the input field is provided for the user to set a

parameter. A parameterized query may have any number of parameters and may include a constant that does not change. For example, the code may read "Zip Code=00001" rather than "Zip Code=@Zip Code." (Pg. 4 and 5, [0052] and Fig. 5).

(5) Below input field 550, the dialog box 500 displays a sample query associated with the selected table to assist the user in interpreting the query code displayed in input field 550. (Pg. 5, [0053] and Fig. 5).

(6) If the user chooses to generate the query, by clicking on the "OK" button 560, a form 312 may be re-activated. The form 312 includes user input fields for the user to set the parameters of the parameterized query generated using dialog box 500. The form 312 includes a parameter input field 610, which in the example, corresponds to the zip code parameter of the selected "Fill by Zip Code" query. (Pg. 5, [0054] and [0055] and Figs. 5 and 6).

(7) Once the user enters the desired data in the parameter input field, the user may load the parameterized query with the information. When the parameterized query is loaded, the form 312 is populated with the selected portion of the data set (customers dataset 222a). (Pg. 5, [0056] and Figs. 6 and 7).

ANALYSIS

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. *RCA Corp. v. App.*

Dig. Data Sys., Inc., 730 F.2d 1440, 1444 (Fed. Cir. 1984); *W.L. Gore and Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554 (Fed. Cir. 1983).

The Examiner bears the initial burden, on review of the prior art or on any other ground, of presenting a *prima facie* case of unpatentability (*In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984)). If that burden is met, the burden of coming forward with evidence or argument shifts to the applicant (*id.*).

We find the Examiner has not made a sufficient showing. The Examiner's arguments that the components are not required by the claim language to be organized in any particular order is unpersuasive (*See* Ans. 10-11). The claim clearly recites a functional relationship between the elements which requires a certain flow of results from one element to another (FF 2-6 and Figs. 5 and 6). Further, we agree with Appellants that it appears the Examiner is relying on the query which is selected (FF 2) to represent both the original executable query and the set of parameterized queries (*See* Ans. 3 and 4). As a result, we are left to speculate how the Examiner has shown Yuknewicz discloses or describes each of the recited elements. We decline to do so.

Therefore, since the Examiner has not shown that Yuknewicz discloses the invention as recited in claim 1 and commensurately recited in claim 22, and the Examiner did not remedy the noted deficiency in the showing with respect to claims 2-6 and 23-26, we find the Examiner has erred in rejecting claims 1-6 and 22-26 for anticipation over Yuknewicz.

ISSUE 2

35 U.S.C. § 102(e): claims 7 and 12-16

Appellants argue their invention is not anticipated by Yuknewicz because Yuknewicz does not disclose analyzing a results set presented to identify parameterized queries associated with fields contained therein (App. Br. 13). Appellants further argue that in Yuknewicz, a parameterized query result set is returned to the user and therefore must include the field being searched; however, the value being searched is not using the output of a query to identify the query itself (Reply 5).

In response, the Examiner maintains Yuknewicz describes that the user may select a dataset in which the parameterized query is to be executed (Ans. 10). The Examiner thus finds the selection of a dataset is the results set (*id.*). The Examiner then finds once the dataset is selected, different queries will be presented to the user (Ans. 10 and 11). Therefore, according to the Examiner, since the queries listed may be determined by searching a schema metafile, Yuknewicz discloses the invention as recited (Ans. 11).

Issue 2: Has the Examiner erred in finding Yuknewicz discloses the invention as recited in claim 12?

FINDINGS OF FACT (FF)

Yuknewicz

(8) “The queries listed in drop down menu 520 may be determined by searching a schema metadata file. Such a schema metadata file may be, for example, an extensible markup language (XML) file that stores associated queries and schema information.” (Pg. 4, [0049]).

ANALYSIS

We find that the Examiner has not made a sufficient showing that Yukenwicz discloses “analyzing a results set presented to identify parameterized queries associated with fields contained therein” as recited in claim 12 or “identifying one or more parameterized queries, each associated with one or more of the plurality of fields in the results set” as recited in claim 16 and commensurately recited in claim 7. According to our understanding, the Examiner states the selection of a dataset is the “results set” (Ans. 10). However, Appellants recite that the results set comprises a plurality of fields which are used in identifying the parameterized queries (claims 7 and 16). In contrast, Yukenwicz describes that once a query is selected, then the associated fields appear on the user interface (FF 3 and 4). The Examiner has not shown that Yukenwicz discloses that the fields are used in identifying the parameterized queries. Therefore, the Examiner has not shown Yukenwicz discloses the invention as recited in claims 7 and 16.

Similarly, claim 12 recites that the results set presented is analyzed to identify parameterized queries associated with fields contained in the parameterized queries. The Examiner has not shown that Yukenwicz analyzes the customer dataset to identify the parameterized queries that are associated with fields. Instead, we find Yukenwicz analyzes the customer database and provides a user the ability to choose either an existing query or create a new query (FF 3 and 8). The parameterized queries are not identified in association with fields. Therefore, the Examiner has not shown Yukenwicz discloses the invention as recited in claim 12.

The Examiner did not remedy the noted deficiency in the showing with respect to dependent claims 13-15. Accordingly, the Examiner has not

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made a sufficient showing that Yukenwicz anticipates the invention as recited in claims 7 and 12-16.

DECISION

The Examiner's rejection of claims 1-7, 12-16, and 22-26 under 35 U.S.C. § 102(e) as being anticipated by Yuknewicz is reversed.

REVERSED

rwk

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